

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
YOE RODRIGUEZ-MENDEZ, *on behalf of himself,*
FLSA collective Plaintiffs and the Class :

Plaintiff, :

-v- :

VILLAGE SUPER MARKET, INC., et al., :

Defendants. :

21-CV-8671 (JMF)

ORDER

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JESSE M. FURMAN, United States District Judge:

On February 16, 2022, Defendants Wakefern Food Corp. and Shoprite Supermarkets, Inc. (the “Wakefern Defendants”) filed a motion to dismiss the complaint under Rule 12(b) of the Federal Rules of Civil Procedure. Under Rule 15(a)(1)(B), a plaintiff has twenty-one (21) days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course.

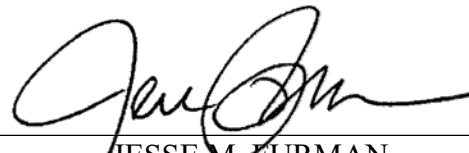
Accordingly, it is hereby ORDERED that Plaintiff shall file any amended complaint by **March 10, 2022**. Plaintiff will not be given any further opportunity to amend the complaint to address issues raised by the motion to dismiss.

If Plaintiff does amend, by three (3) weeks after the amended complaint is filed, the Wakefern Defendants shall: (1) file an answer; (2) file a new motion to dismiss; or (3) file a letter on ECF stating that it relies on the previously filed motion to dismiss. If the Wakefern Defendants file an answer or a new motion to dismiss, the Court will deny the previously filed motion to dismiss as moot. If the Wakefern Defendants file a new motion to dismiss, any opposition shall be filed within fourteen days, and any reply shall be filed within seven days of any opposition.

If no amended complaint is filed, Plaintiff shall file any opposition to the motion to dismiss by **March 10, 2022**. The Wakefern Defendants’ reply, if any, shall be filed by **March 17, 2022**.

SO ORDERED.

Dated: February 17, 2022
New York, New York



JESSE M. FURMAN
United States District Judge